

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**DWAYNE JOHNSON, DANIEL R. MCBRIDE,  
DAVID L. MILLER, et al.,  
Plaintiffs,**

**v.**

**Case No. 05-C-1058**

**MATTHEW FRANK et al.,  
Defendants.**

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**AMENDED ORDER**

On October 12, 2005, pro se plaintiffs Daniel R. McBride and David L. Miller were ordered to pay initial partial filing fees of \$1.64 and \$1.98 respectively to the clerk of court within twenty-one days of the court's order, pursuant to the provisions of the Prison Litigation Reform Act (PLRA). See 28 U.S.C. § 1915(b)(1).

Both plaintiffs indicate that they have insufficient funds in their trust accounts , and request that I order the warden to withdrawal funds from their release account, which I may do. See Doty v. Doyle, 182 F. Supp. 2d 750, 751-52 (E.D. Wis. 2002). Contrary to my previous order of November 2, 2005, it appears that plaintiff Miller's release account contained \$131.14 as of September 22, 2005. Plaintiff McBride's account, however, only contains \$0.05, which is insufficient to cover his \$1.64 initial partial filing fee.

In light of these facts, the warden at the correctional institution is directed to submit to the clerk of court within twenty-one days of the date of this order \$1.98 as plaintiff Miller's payment of his initial partial filing fee. The warden is also directed to submit \$0.05 from plaintiff McBride's release account as partial payment of his initial partial filing fee.

I will grant plaintiff McBride until December 9, 2005 to pay the remaining portion of his initial partial filing fee of \$1.64.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that, upon the request of the plaintiffs McBride and Miller, the warden at the correctional institution where the plaintiff is incarcerated shall withdraw \$0.05 and \$1.98 respectively from the plaintiffs' release accounts and forward those sums to the clerk of this court as plaintiffs' initial partial filing fees in this action. Such payment is to be made within twenty-one days of the date of this order.

**IT IS FURTHER ORDERED** that plaintiff McBride is given until December 9, 2005 to pay the remaining portion of his initial partial filing fee.

**IT IS ALSO ORDERED** that copies of this order be sent to the warden at Waupun Correctional Institution and to Corey F. Finkelmeyer, Assistant Attorney General, Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin, 53707-7857

Dated at Milwaukee, Wisconsin, this 8 day of November, 2005.

/s \_\_\_\_\_  
LYNN ADELMAN  
District Judge